

# Ethical and legal regulations for the profession of nurse

## ( Etyczno-prawne uregulowania zawodu pielęgniarstwa )

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**Abstract** – Introduction. Nursing is art, science and, above all, service. One of the most important expressions of humanism. It requires mastering specific knowledge and appropriate skills. The main goal and task of the nursing profession has been and will always be to provide assistance and care to people in need, but always with ethical and legal principles.

The aim of the study. The aim of the paper was to present selected ethical and legal aspects of the profession of nurse.

Selection of material. The research was conducted in the Scopus database using the terms ethics of the nurse profession, 2002-2018. The literature found in the Google Scholar database was analysed in terms of the highest number of citations. Such selected literature was used as a material for the preparation of this paper.

Conclusions. . It is the primary task of a nurse to alleviate suffering, to show care and to help bear the physical and mental suffering of every patient, regardless of cultural or religious differences. The commitment to be trustworthy, supported by an ethical principle of fidelity, is an additional aspect of the primary responsibility for alleviating a patient's suffering.

**Key words** - professional tasks of the nurse, ethical and legal basis of the proceedings.

**Streszczenie** – Wstęp. Pielęgniarstwo jest sztuką, nauką, a przede wszystkim służbą. Jednym z najważniejszych wyrazów ludzkiego humanizmu. Wymaga opanowania określonej wiedzy i odpowiednich umiejętności. Głównym celem i zadaniem zawodu pielęgniarstwa było i zawsze będzie pozostanie niesienie pomocy i opieki ludziom potrzebującym jednak zawsze z zasadami etycznymi i prawnymi.

Cel pracy. Celem pracy było przedstawienie wybranych aspektów etycznych i prawnych zawodu pielęgniarstwa.

Dobór materiału. Poszukiwania przeprowadzono w bazie Scopus używając pojęć etyka zawodu pielęgniarstwa, 2002-2018r. Znalezione piśmiennictwo w bazie Google Scholar przeanalizowano pod kątem największej liczby cytowań. Tak wyselekcjonowane piśmiennictwo posłużyło za materiał do opracowania niniejszej pracy.

Wnioski. . Niesienie ulgi w cierpieniu, powiązane z okazywaniem troskliwości oraz pomoc w znoszeniu cierpienia fizycznego i

psychicznego każdego pacjenta niezależnie od różnic kulturowych i poglądów religijnych jest podstawowym zadaniem pielęgniarstwa. Zobowiązanie do bycia godnym zaufania, wspierane etyczną zasadą wierności, stanowi dodatkowy aspekt podstawowej odpowiedzialności za łagodzenie cierpienia chorego.

**Słowa kluczowe** – zadania zawodowe pielęgniarstwa, podstawy etyczne i prawne postępowania.

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### Authors' contributions to the article:

- A. The idea and the planning of the study
- B. Gathering and listing data
- C. The data analysis and interpretation
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- E. Critical review of the article
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**Accepted for publication:** August 30, 2019.

## I. INTRODUCTION

**T** " here is only one way to another - the way of the heart. All other ways are wilderness ".

Phill Basmans

Nursing is art, science and, above all, service. One of the most important expressions of humanism. It requires mastering specific knowledge and appropriate skills. The main goal and task of the nursing profession has been, and will always be, to provide help and care to people in need [1-3].

Nursing is aimed at helping people so that they can live better and maintain their health, and when they are ill, they should contribute to the healing process as soon as possible.

The sick is a powerless person, weak, naked, bedridden. What can he do in this prison without bars, whose symbols are addiction and helplessness? His nakedness, his silence, are an obvious expression of helplessness. Therefore, nursing should be an action without limits that embraces man as a whole, his desires and all his sufferings. For man is an absolute and irreplaceable value [2,4]. Caring for the sick means not only respecting ethics, morals and values, but also giving one's strength, intelligence, security, intimacy and the right to die in peace and dignity. The realization of these assumptions depends to a large extent on the ethical level of nurses, their sensitivity to the needs of others, kindness, understanding and patience.

Florence Nightingale occupies a unique place in the history of nursing, creating a vision of nursing as a profession and vocation. The humanitarianism of Nightingale's concept resulted from its recognition of the human right to care. She proclaimed that nursing is a vocation and that the pursuit of a profession requires a very high moral level from a nurse. In her opinion, a good nurse is one who focuses her attention on the patient, shows him care, is cheerful, polite, patient, cordial, strives to deepen her knowledge of nursing and reaches an increasingly high level of moral development.

Despite the passage of time, the assumptions of Florence Nightingale are still valid. Ethics in the work of a nurse are inscribed in the specificity of the profession. Contact with the sick requires a high moral level from the nurse and observance of ethical principles in the care of the needy [6].

The ethical behaviour of a nurse is guarded by the Code of Professional Ethics of a Nurse and Midwife of the Republic of Poland. In the Small Ethical Dictionary, the

code of professional ethics is defined as "a logically ordered set of norms of professional ethics. It is created through concretisation and detailing of general norms functioning in the society, adjusting it to the specificity of a given profession and enriching it with rules related to general ethics and the essence of professional activities".

Standards contained in the code of ethics facilitate solving moral dilemmas that appear in professional work. These standards are a kind of guide in solving problems, which is extremely important given the intensive development of medicine. The code of professional ethics includes standards that are mandatory under all circumstances.

The Code also protects service users from any unwanted behaviour and actions by professionals. In Poland, a huge contribution to the development of ethical principles for nurses was made by the Polish Association of Professional Nurses, whose leaders have repeatedly commented on the ethical principles at work. Teresa Kulczyńska has published many articles on the subject in "Polish Nurses". Her work became the basis for the later formulation of detailed ethical principles for nurses.

In Poland, the first such code was developed by the Polish Nursing Association in 1973 under the name "Principles of Professional Ethics" and contained general and detailed rules. In 1984, the above code was extended to include ethical standards for midwives and was issued under the name "Principles of professional ethics for nurses and midwives". With the development of nursing, the scope of duties increased, and thus the scope of moral responsibility of nurses.

The current code for Polish nurses was approved at the 4th National Congress of Nurses and Midwives in 2003. It contains a promise, a general part and a detailed part, in which the rules concerning the relationship between a nurse and a patient, a nurse and professional practice and science, a nurse and the self-government of nurses and midwives, a nurse and co-workers, a nurse and the rules of conduct towards the society and the final provisions<sup>5</sup>. The promise included in the introduction is a kind of creed of every nurse, because when taking care of a patient in health and illness, she should apply ethical and ethical principles in her work.

## II. ETHICS OF THE NURSE PROFESSION

Taking care of the seriously ill or infirm requires professional preparation, but also deep ethical and moral considerations. Death is a sure and inevitable part of human life.

Death is difficult, especially for people in terminal states, when they have to struggle with very annoying symptoms caused by illness while waiting for death. It often happens that this expectation is only prolonged by agony, and a sick person who wants to leave in peace and dignity cannot have peace.

The work of a palliative nurse often involves a kind of mystery play: the suffering and death of another person, which sometimes intimidates workers and teaches humility. They try with a certain shyness and delicacy to give the sick person what he may never have had: the truth of humanity, the community of destiny in the face of the last resort.

The suffering of the people is immense. The patient himself is not usually able to cope with the numerous problems posed by his illness. Palliative and hospice care, which aims to improve patients' lives as much as possible, offers support. An interdisciplinary team plays an important role in palliative care. Among these employees, nurses play a special role, as they come into contact with patients on a daily basis. While performing care and care activities, having contact with the patient's integrity and body, they often become trustees, someone special in the last weeks or days of another person's life.

It is the primary task of a nurse to relieve suffering, to show care and to help with the physical and mental suffering of each patient, regardless of cultural or religious differences. The commitment to be trustworthy, supported by an ethical principle of fidelity, is an additional aspect of the primary responsibility for alleviating the suffering of the patient. [1,3,7]

### III. DEFINITION, CONCEPTS OF ETHICS

In order to talk about ethics and make difficult decisions about the moral issues of the end of life, it is necessary to know the definition of ethics and its main principles.

Ethics is a branch of philosophy most often described as a set of moral norms, determining moral values. This word comes from the word *ethos* from the Greek language, which means habit, habit [8].

Ethics - a treatise on customs'. [*ēthos* - obyczaj, character], a term used in the fourth century BC by Aristotle in the title of the work "Nicomachean Ethics" to designate a descriptive-critical study of what concerns *ethos* as a human character, custom, i.e. a fixed manner of behaviour in the environment of life, residence. In the common sense, ethics is a set of moral norms recognized at some point in time by a social community as a reference point for the

evaluation and regulation of conduct in order to integrate a group around certain values, a synonym of morality. In the philosophical sense, ethics is a science concerning morality, considered separately in aspects: normative as a science of morality (so called normative ethics or specific ethics) and descriptive and explanatory as a science of morality (so called descriptive ethics or ethology) [9].

The concept of ethics was introduced by Aristotle in order to define the newly distinguished field of philosophy. [10,11]

However, ethics in its normative aspect should not be equated with morality. Morality means moral views, attitudes, and beliefs. The question of moral attitudes is difficult to solve because it has many sources. They are created by individuals or social groups based on their individual beliefs, therefore they depend on their beliefs and attitudes. Morality is a very individual matter, each individual and each individual is faithful to his or her views, thus creating his or her own norms.

Ethics is independent and free from any moral views. Its characteristic feature is its stability and it is universally and invariably binding. It does not deal with the description or explanation of morality.

Throughout its history, ethics has changed its face many times. It has not been limited to the evaluation of human behaviour, but has also decided how to achieve happiness in life. With time, ethics began to change its current in the direction of giving happiness to others, renouncing personal good to others. The basic term used by ethics is good. Defining someone or something good does not always mean the same thing.

Secondly, ethics focuses mainly on human activities and the motives behind them. Therefore, the aim of ethics as a science is to define human actions, or how to live in order to be a good person. Among the most important ethical issues to be considered are behaviour and its motives for specific actions. The evaluation of human behaviour is extremely complicated, giving rise to much controversy in the evaluation of the rightness of human behaviour. [2,7]

Pellegrino analyzed the relationship between philosophy and medicine. He put forward concepts for combining the two sciences. One of them, the most important from the ethical point of view, is the philosophy of medicine. In such an approach, both disciplines interact with each other, which may lead to a better identification of the methods they use, their confrontation, through the use of different methods, may force further creative [12].

The ethics of the nursing profession is based on the moral principles of universally binding ethics. These standards were the basis for the creation of principles which should guide the professional work of nurses and midwives.

#### IV. REGULATIONS CONCERNING THE PROFESSION OF NURSE

The profession of nurse is an independent profession fully regulated by the law, so it is important to know the legal acts regulating the practice.

The legal basis for practising the profession of nurse is specified in the Act of 5 July 1996 on the professions of nurse and midwife (Journal of Laws 2018, item 123). The act also contains ethical regulations for the profession of nurse. One of the key provisions relating to the ethical work of a nurse is Article 28(4), which clearly indicates that the right to practise the profession of nurse and midwife is vested in a person who shows impeccable moral attitude. Moreover, Article 11 of the same Act states that a nurse and midwife shall exercise their profession with due diligence in accordance with the principles of professional ethics, with respect to the rights of the patient and taking into account his or her safety. This Act contains provisions which define the formal and legal requirements for persons who wish to obtain appropriate qualifications for the profession of nurse. Article 4 of the above mentioned Act states that the profession of a nurse consists in the provision of health care services and, above all, the provision of patient care, identification of needs and problems of nursing.

The second binding legal act is the Act of 19 April 1991 on the self-government of nurses and midwives. The idea of the self-government of nurses and midwives is to promote the principles of professional ethics among nurses and to control their observance. Membership in the self-government is mandatory, and each nurse and midwife is obliged to act in accordance with the principles of professional ethics and the principles of nurse professions contained in the Act of 15 July 2011 on the Professions of Nurse and Midwife. Pursuant to Article 36, members of the self-government shall bear professional liability for violation of the rules of professional ethics or regulations concerning the profession. As part of its activities, the Association shall determine the rules of professional ethics.

In Poland, the most important ethical principles relating to the profession of nurse and midwife are included in the Code of Ethics for Nurses and Midwives of the Republic of Poland, in force since 9 December 2003, which was adopted by Resolution No. 9 of the 4th National Congress of Nurses and Midwives. At the beginning of the document there is a promise made by the nurses at the moment of obtaining the diploma.

The Code consists of 1) the general part - talking about the professional activity of nurses, personal development and self-government professional organisations, 2) the specific part - containing the nurse's obligations towards people requiring assistance, towards professional practice, towards co-workers and their own profession.

The Code is a set of moral rights and obligations. Lower-order acts are regulations and procedures in force in fingers providing health care.

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